IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN
&
THE HONOURABLE MRS. JUSTICE K.HEMA

MONDAY, THE 28TH MAY 2007 / 7TH JYAISHTA 1929

WP(C).No. 14847 OF 2007(P)

PETITIONER:

ABAD MOTELS & RESORTS PVT LTD.,
REP. BY ITS MANAGING DIRECTOR, RIAZ AHMED,
AGDD 54 YEARS, ABAD PLAZA BUILDING, M.G.ROAD,
COCHIN-35.

BY ADV. SRI.ANIL THOMAS(T)
SMT.K.V.RESHMI

RESPONDENTS:
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1. THE STATE OF KERALA, REP. BY THE
CHIEF SECRETARY TO GOVERNMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

2. THE THAHSILDAR, TALUK OFFICE,
DEVIKULAM.

3. REVENUE DIVISION OFFICER/
SUB COLLECTOR, DEVIKULAM.

4. PALLIVASAL GRAMA PANCHAYAT, REP. BY
ITS SECRETARY, PALLIVASAL, MUNNAR.

BY ADVOCATE GENERAL SRI. C.P. SUDHAKARA PRASAD.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 28/05/2007, ALONG WITH WPC NO. 15249 OF 2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.R. RAMAN & K. HEMA, JJ.

W.P.(C) NO. 14847 & 15249 OF 2007

DATED THIS, THE 28TH DAY OF MAY, 2007.

J U D G M E N T

Raman, J.

Both these writ petitions were heard together as according to the petitioners, both are intensively connected.

2. W.P.(C) 14847/2007 is filed inter alia seeking to stay the operation of Ext.P7 stop memo issued by the second respondent therein and also for a direction to the first respondent and Executive Officers working under the State not to interfere with the construction activities carried out by the petitioner Company, on provisional basis solely at his risk and cost in the properties covered by R.S. Nos. 167/1-1, 167/2, 167/3 and 174 of the Sub Registry Office, Devikulam as contained in Exts. P1 to P3 sale deeds, pending disposal of the writ petition. In W.P.(C) 15249/2007, petitioner prays for a direction to the 7th respondent and his men not to harass him with the threat of demolition of the construction carried out in the property covered by the judgment - Ext.P2 produced therein.

3. According to the petitioner, in respect of the property in question he has got absolute title and therefore, he is entitled to make any

construction thereon and stop memo was issued without any authority of law.

4. We have heard the learned counsel appearing for the petitioner as well as the learned Advocate General. It is submitted on behalf of the State that stop memo was issued to the petitioner giving the petitioner an opportunity to file his objections and also to prove his title and produce records in respect of his case. It is submitted by the counsel for the petitioner that petitioner has already submitted his objection along with the documents. It is submitted by the Advocate General that orders will be passed pursuant to Ext.P7 stop memo within a period of ten days, after considering the objection and no harassment is meted out to the petitioners and actions are taken only in accordance with law. This submission is recorded. It is also submitted by the learned Advocate General that until such orders are passed, there will not be any steps for demolition of any building already constructed in the property. He further submitted that the petitioner has already approached the District Court, Thodupuzha, seeking similar relief and the suit is still pending. If so, it is open to the petitioner to proceed with the suit and we do not wish to entertain a finding on the merits of the disputes between the parties.

The contentions raised by the petitioner are left open. We notice that this Court by order dated 23.5.2007 stayed the demolition of the

building in the property of the petitioners. In the facts and circumstances, status quo is directed to be maintained for two weeks.

The writ petitions are disposed of as above.

P.R. RAMAN,
(JUDGE)

K. HEMA,
(JUDGE)

knc/-